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JUN 28 2005

OFFICE OF PETITIONS

In re Application of :
Ross Judson et al :
Application No. 09/712,658 : DECISION GRANTING PETITION
Filed: November 14, 2000 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 24142399.1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.


This application became abandoned for failure to timely pay the issue fee on or before March 19, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed December 19, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the \$700 issue fee; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

There is no indication that petitioner herein was the attorney of record at the time the application became abandoned. Therefore, it is not apparent whether petitioner was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Publishing Division.


Frances Hicks
Petitions Examiner
Office of Petitions